

43 Rec'd PCT/PTO 06 APR 2006

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 10/533,090 Confirmation No. 2293  
Applicant : Norikazu TABATA et al.  
Filed : April 29, 2005  
TC/A.U. : 1652  
Examiner : Unknown  
Dkt. No. : IPE-055  
Cust. No. : 20374

REQUEST FOR CORRECTED NOTICE  
OF ACCEPTANCE OF APPLICATION

Commissioner for Patents  
Attn: Donna Greene  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 6, 2006

Sir:

A corrected Notice of Acceptance of Application is respectfully requested for the above-identified application.

In the Notice of Acceptance of Application, the priority document and the copies of references cited in the International Search Report are not acknowledged as being received by the United States Patent and Trademark Office. The priority document was filed with the International Bureau and acknowledged in PCT/IB/304. A copy of Form PCT/IB/304 is attached.

The copies of references cited in the International Search

U.S. PATENT APPLN. S.N. 10/533,090  
REQUEST FOR CORRECTED NOTICE  
OF ACCEPTANCE OF APPLICATION

Report should have been sent to the USPTO since the Japanese Patent Office was the search authority. A copy of the International Search Report is attached.

Also in the Notice of Acceptance of Application, the attorney docket number is not identified. The attorney docket number should be correctly identified as --IPE-055--.

For the convenience of the Office, a copy of the Notice of Acceptance of Application is attached hereto with the errors marked in red ink.

In the event any fees are required, please charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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Reg. No. 40,428

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Enclosures:      Marked-up copy of Notice of Acceptance of Application  
                    Copy of PCT/IB/304  
                    Copy of International Search Report

**COPY**

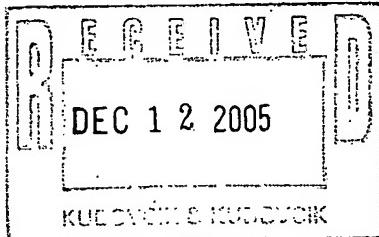


UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,090	Norikazu Tabata	1PE-055

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INTERNATIONAL APPLICATION NO.

PCT/JP03/13773

I.A. FILING DATE	PRIORITY DATE
10/28/2003	10/29/2002

**CONFIRMATION NO. 2293**  
**371 ACCEPTANCE LETTER**



\*OC000000017599048\*

Date Mailed: 12/09/2005

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

04/29/2005

04/29/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 04/28/2005
- English Translation of the IA filed on 04/28/2005
- Copy of the International Search Report filed on 04/28/2005
- Preliminary Amendments filed on 04/28/2005
- Oath or Declaration filed on 04/29/2005
- Request for Immediate Examination filed on 04/28/2005
- U.S. Basic National Fees filed on 04/28/2005
- Power of Attorney filed on 04/29/2005
- Specification filed on 04/28/2005
- Claims filed on 04/28/2005
- Abstracts filed on 04/28/2005
- Priority Document filed on 4/28/2005
- Copies of References cited in International Search Report filed on 4/28/2005



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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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LAMONT M HUNTER  
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PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

## PATENT COOPERATION TREATY

COPY

PCT

U4.1.-5

**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT**

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

IWAMI, Tomonori  
c/o Intellectual Property  
Department  
TORAY INDUSTRIES, INC.  
1-1, Sonoyama 1-chome  
Otsu-shi, Shiga 520-8558  
Japan

Date of mailing (day/month/year) 18 December 2003 (18.12.03)	To: IWAMI, Tomonori c/o Intellectual Property Department TORAY INDUSTRIES, INC. 1-1, Sonoyama 1-chome Otsu-shi, Shiga 520-8558 Japan
Applicant's or agent's file reference TP-03069	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/JP03/13773	International filing date (day/month/year) 28 October 2003 (28.10.03)
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 29 October 2002 (29.10.02)
Applicant TORAY INDUSTRIES, INC. et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
29 Octo 2002 (29.10.02)	2002-313927	JP	12 Dece 2003 (12.12.03)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland.	Authorized officer  Eric SANSON (Fax 338 7010)
Facsimile No. (41-22) 338.7010	Telephone No. (41-22) 338 9999

COPY

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/13773

A. CLASSIFICATION OF SUBJECT MATTER  
Int.Cl<sup>7</sup> A61L31/04, 31/14//A61K47/30

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
Int.Cl<sup>7</sup> A61L31/04, 31/14, A61K47/30

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
CAPLUS (STN), BIOSIS (STN), MEDLINE (STN), EMBASE (STN), JICST (JOIS)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 01/72280 A2 (BIOSPHERE MEDICAL INC.), 04 October, 2001 (04.10.01), Column 19, lines 4 to 5; column 20, lines 14 to 15	1-35
A	WO 99/22774 A1 (MICRO THERAPEUTICS, INC.), 14 May, 1999 (14.05.99), Claim 9 & JP 2001-521911 A	1-35
A	EP 1044693 A1 (TAKIRON CO., LTD.), 18 October, 2000 (18.10.00), Column 4, Par. No. [0030] & JP 11-192299 A	1-35

 Further documents are listed in the continuation of Box C. See patent family annex.

- \* Special categories of cited documents:
- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "&" document member of the same patent family

Date of the actual completion of the international search  
09 January, 2004 (09.01.04)Date of mailing of the international search report  
27 January, 2004 (27.01.04)Name and mailing address of the ISA/  
Japanese Patent Office

Authorized officer

Facsimile No.

Telephone No.

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/JP03/13773

## C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	JP 2-45417 A (Lion Corp.), 15 February, 1990 (15.02.90), Page 1, right column, line 6; page 2, lower left column, line 1; page 2, lower right column, formula [I], [II] (Family: none)	1-35
A	EP 92918 A2 (IMPERIAL CHEMICAL INDUSTRIES PLC.), 02 November, 1983 (02.11.83), Claims 4 to 5 & JP 58-191714 A	1-35

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/JP03/13773

**Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: 3 6  
because they relate to subject matter not required to be searched by this Authority, namely:  
The method of embolizing a blood vessel pertains to methods for treatment of the human body by surgery or therapy.
2.  Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3.  Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

"Having a water-swelling ratio of 30% or more and being degradable in a phosphate-buffered physiological saline at 37°C" (claims 1 to 10 and 34 to 36) is a special technical feature, while "being made of a water-insoluble polymer and having a tensile modulus of elasticity of a film of 1500 MPa or less" (claims 11 to 18) and "containing a water-insoluble polyethylene glycol copolymer" (claims 19 to 33) are each a special technical feature regardless of the former one.

Although there is a unity between claims 1 to 10 and 34 to 36, there is no unity between claim 1 and claims 11 to 18, or claim 1 and claims 19 to 33. Also, there is no unity between claims 11 to 18 and claims 19 to 33.

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest  The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

**INTERNATIONAL SEARCH REPORT**

International application No. PCT/JP03/13773
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The vascular embolization material according to claims 1 to 10 and 35 involves any materials having the desired properties of "a water-swelling ratio of 30% or more" and "being degradable in a phosphate-buffered physiological saline at 37°C".

The water-insoluble polymer according to claims 11 to 18 and 34 to 35 involves any polymers having "a tensile modulus of elasticity of a water-insoluble polymer film made of the same in the state of being saturated with water" at a definite level.

The polymer according to claims 19 to 21, 23 to 33 and 35 involves any polymer having the desired property of "being insoluble in water".

However, it is recognized that only a small number of polymers are disclosed in the meaning within PCT Article 5 and thus these claims are not supported by the disclosure in the description in the meaning within PCT Article 6.

Although the common technical knowledge at the point of the application is taken into consideration, the scope of materials having the properties of "a water-swelling ratio of 30% or more" and "being degradable in a phosphate-buffered physiological saline at 37°C" cannot be specified. Although the common technical knowledge at the point of the application is taken into consideration, the scope of polymers having the properties of "being insoluble in water" or "a tensile modulus of elasticity of a water-insoluble polymer film made of the same in the state of being saturated with water" cannot be specified. Thus, claims 1 to 21 and 23 to 35 do not comply with the requirement of clearness under PCT Article 6 too.

Such being the case, the search was made on the polymer which is specifically cited in the description and specified by claim 22. Claim 22 was completely searched.